

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

GLOBAL HORIZONS, INC., d/b/a
Global Horizons Manpower, Inc.;
GREEN ACRE FARMS, INC.; VALLEY
FRUIT ORCHARDS, LLC; and DOES 1-10
inclusive,

Defendants.

No.: CV-11-3045-EFS

**ORDER GRANTING THE GROWER
DEFENDANTS' JOINT MOTION FOR
SUMMARY JUDGMENT AS TO UNTIMELY
CLAIMS**

Before the Court, without oral argument, is Defendants Green Acre Farms, Inc. and Valley Fruit Orchards, LLC's (collectively, "Grower Defendants") Joint Motion for Summary Judgment as to Untimely Claims, ECF No. 328. The Grower Defendants ask the Court to prohibit the EEOC from 1) seeking monetary or injunctive relief on behalf of any individual who cannot demonstrate he worked within the relevant 300-day period at a Grower Defendant orchard, and 2) refining the class of Claimants. The EEOC clarifies that it is not seeking relief on behalf of any Thai individual who did not work at Green Acre Farms after June 22, 2005, or Valley Fruit Orchards after June 28, 2005; however, the EEOC asks the Court not to set a deadline by which it must identify the Claimants because the EEOC may revise the class of

1 Claimants after reviewing still-to-be-received discovery from
2 Defendant Global Horizons, which answered, ECF No. 294, on January 31,
3 2013. After reviewing the record and relevant authority, the Court is
4 fully informed. For the reasons set forth below, the Court grants the
5 motion.¹

6 Consistent with the Court's July 27, 2012 Order, ECF No. 178,
7 the 300-day statute of limitations set forth in 42 U.S.C. § 2000e-
8 5(e)(1) applies to actions brought by the EEOC. Accordingly, the EEOC
9 may not seek monetary or injunctive relief on behalf of a Thai
10 individual who did not have an incident or injury at the Grower
11 Defendants' orchards within the 300-day statute-of-limitations period
12 relevant to the particular orchard at which that individual worked.
13 See *EEOC v. Harvey L. Walner & Assoc.*, 91 F.3d 963, 967 (7th Cir.
14 1996) (rejecting the EEOC's argument that "it may seek injunctive
15 relief even though it is precluded from asserting compensatory or
16 other relief for the individual claims arising from the unlawful
17 conduct" because it "flies in the face of the plain language of §
18 2000e-5").
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21 The Court recognizes the EEOC serves an important role in
22 protecting aggrieved employees and deterring future unlawful
23 discrimination. See *EEOC v. Occidental Life Ins. Co. of Calif.*, 535
24 F.2d 533, 539 (9th Cir. 1976). Notwithstanding the important public-

25 ¹ The parties sufficiently summarized and documented the
26 relevant discussions between counsel; therefore, the Court need not
27 repeat those here.
28

1 service that the EEOC provides, the EEOC must still abide by the time
2 limits set forth in § 2000e-5(e)(1). Accordingly, the EEOC may not
3 seek relief on behalf of an individual who did not work at a Grower
4 Defendant orchard during the relevant 300-day period. In its
5 response, the EEOC acknowledges this limitation applies not only to
6 monetary relief but also injunctive relief, stating, "To the extent
7 that Defendants misunderstood EEOC and think that EEOC is seeking
8 Claimant specific injunctive relief for untimely Claimants, EEOC is
9 not."² ECF No. 336 at 3.

11 The Grower Defendants have the right to know the Claimants'
12 names so they can engage in discovery and prepare a defense against
13 the claims brought by the EEOC on behalf of the Claimants. See Fed.
14 R. Civ. P. 26(b)(1). Accordingly, the Court orders the EEOC to notify
15 all Defendants as to the identity of the Claimants by **August 2, 2013**.
16 This is a reasonable deadline because 1) the EEOC has been aware of

18 ² The EEOC clarifies its position on this matter by referring to
19 individuals who fail to satisfy the 300-day requirement as "untimely
20 victims" rather than as "untimely Claimants." If necessary and upon
21 appropriate motion, the Court will determine at a later time whether
22 evidence pertaining to the untimely victims is relevant to support the
23 EEOC's claims. See, e.g., *Sprint/United Mgmt. Co. v. Mendelsohn*, 552
24 U.S. 379, 388 (2008) ("The question whether evidence of discrimination
25 by other supervisors is relevant . . . depends on many factors,
26 including how closely related the evidence is to the plaintiff's
27 circumstances and theory of the case.").

1 the potential claims since the named Claimants filed Charges of
2 Discrimination in April 2006; 2) the EEOC contends it investigated the
3 Charges and issued Findings of Discrimination; 3) the EEOC filed this
4 lawsuit in April 2011; 4) the EEOC has conducted discovery, including
5 reviewing the Global invoices provided by the Grower Defendants in the
6 fall of 2012; and 5) Global began participating in this lawsuit in
7 January 2013. Given the length of time the EEOC has had to ascertain
8 the individuals who worked at each orchard and the time frames they so
9 worked, the Court finds an August 2, 2013 deadline is reasonable.
10 This deadline provides the EEOC with more than fifty additional days
11 to identify the Claimants. Defendants then have approximately eight
12 months to engage in discovery pertaining to the Claimants.
13

14 For the above-given reasons, **IT IS HEREBY ORDERED:** The Grower
15 Defendants' Joint Motion for Summary Judgment as to Untimely Claims,
16 **ECF No. 328**, is **GRANTED**.

17 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this
18 Order and provide copies to counsel.
19

20 **DATED** this 12th day of June 2013.

21
22 s/ Edward F. Shea
EDWARD F. SHEA
23 Senior United States District Judge
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